

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ROBERT WEAD,

Plaintiff,

v.

JULIUS KARIUKI,

Defendant.

No. 3:21-CV-01190

(Chief Judge Brann)

(Magistrate Judge Saporito)

**ORDER**

**OCTOBER 19, 2021**

Robert Wead filed this civil rights complaint alleging that Defendant violated Wead's civil rights through deliberate indifference to a risk of self-harm.<sup>1</sup> Wead also filed a motion to proceed *in forma pauperis*, which Magistrate Judge Joseph F. Saporito, Jr. denied on July 12, 2021.<sup>2</sup> Wead was instructed to pay the required filing fee within 30 days of Magistrate Judge Saporito's Order and was informed that the failure to pay the filing fee may result in dismissal of the complaint.<sup>3</sup> Wead subsequently obtained an extension of time to pay the filing fee but, when Wead failed to timely pay the required filing fee, on September 13, 2021, Magistrate Judge Saporito issued a Report and Recommendation recommending that the complaint be dismissed without prejudice.<sup>4</sup> No timely objections were filed to this Report and

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<sup>1</sup> Doc. 1.

<sup>2</sup> Doc. 6.

<sup>3</sup> *Id.*

<sup>4</sup> Doc. 11.

Recommendation, but Wead sought, and received, an additional extension of time to pay the filing fee on or before October 12, 2021.<sup>5</sup> That date has passed, and Wead has not paid the required filing fee.

Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error.<sup>6</sup> Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the findings or recommendations made by the magistrate judge.<sup>7</sup> Upon review of the record, the Court finds no error—clear or otherwise—in Magistrate Judge Saporito’s conclusion that the complaint should be dismissed without prejudice for failure to pay the required filing fee. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Joseph F. Saporito, Jr.’s Report and Recommendation (Doc. 11) is **ADOPTED**;
2. Wead’s complaint (Doc. 1) is **DISMISSED** without prejudice; and
3. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann  
Chief United States District Judge

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<sup>5</sup> Docs. 12, 13.

<sup>6</sup> Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed).

<sup>7</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.